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ABDELKHAUEK ELHAOIRI
5405 SAN GABRIEL WAY
ORLANDO, FL 32837

EXAMINER

KIM, CHONG HWA

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,665

Applicant(s)

ELHADIRI, ABDELKHALEK

Examiner

Chong H. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

The Examiner acknowledges the Applicant's Amendment filed Nov 10, 2003 in response to the Office action made on Jun 18, 2003.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the automatic shut off means as recited in claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-8, 11, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 5, and 17 recite the limitation "said container" in lines 4, 3, and 1, respectively. It is indefinite because it is not known whether the container refers to the storage canister or something else.

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Claim 7 recites the limitation "said ports" in line 1. It is indefinite because it is confusing as to how many ports are being claimed.

Claim 7 recites the language "type" in line 3. It is indefinite because it is unclear what "type" of reed/slit valve is intended to convey. See MPEP 2173.05(b) E.

Regarding claim 8, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The term "light-weight" in claim 17 is a relative term which renders the claim indefinite. The term "light weight" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear what is considered light weight.

Claim 17 also recites the limitation "modular construction" in line 2. Neither the specification as originally filed nor the claims define/s what exactly is the "modular construction".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1, 5, 8-11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dixon et al., U.S. Patent 5,853,068.

Dixon et al. shows, in Figs. 1-11, an apparatus and method for rapid removal of fluids contained within reservoirs in automotive or similar transportation vehicle comprising;

flexible hose 26, 28 having a proximal end opposite a distal end;

means of attachment of the distal end of the hose to the vehicle's fluid reservoirs access point within the vehicle;

the flexible hose with flow directional valve 46 at proximal end with coupling suitable for attachment to the fill port of the storage canister 18;

the storage canister suitable to hold fluids of various viscosities and corrosive characteristics selected from the group comprising oils, lubricants, and coolants used within the vehicle;

wherein the storage canister is provided with wheel means 20 to enable ease of positioning and movement;

wherein the storage canister is fabricated as a one piece molding made from a plastic (as described in column 14, lines 12-17);

wherein the storage canister is provided with the means of determining fluid level by employing transparent plastics, or incorporation of a fluid level gauge 24a;

wherein the fluid level gauge is comprised of a graduated flexible clear tube;

wherein the container is provided with a handle 22 that enables lifting the device, as well as transporting the device by tilting the device to an angle upon which the transport wheels are engaged to freely rotate; and

wherein the method for rapid removal of fluids from a vehicle is comprised of placement of the apparatus within a proximal distance of the vehicle, connection of the fill flexible hose to the inlet port of the container, and connection of the power cord to an active electrical outlet 30a.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Erwin, U.S. Patent 6,170,505 B1.

Erwin shows, in Figs. 1-5, an apparatus for rapid removal of fluids contained within reservoirs in automotive or similar transportation vehicle comprising;

flexible hose 16 having a proximal end opposite a distal end;

means of attachment of the distal end of the hose to the vehicle's fluid reservoirs access point within the vehicle;

the flexible hose with flow directional valve 56 at proximal end with coupling suitable for attachment to the fill port of the storage canister 10;

the storage canister suitable to hold fluids of various viscosities and corrosive characteristics selected from the group comprising oils, lubricants, and coolants used within the vehicle.

4. Claim 1, 4, 5, 9, 15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Viken, U.S. Patent 6,330,934 B1.

Viken shows, in Figs. 1-3, an apparatus for rapid removal of fluids contained within reservoirs in automotive or similar transportation vehicle comprising;

flexible hose 4, 5, 15 having a proximal end opposite a distal end;

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means of attachment of the distal end of the hose to the vehicle's fluid reservoirs access point within the vehicle;

the flexible hose with flow directional valve 45, 100 at proximal end with coupling suitable for attachment to the fill port of the storage canister 20;

the storage canister suitable to hold fluids of various viscosities and corrosive characteristics selected from the group comprising oils, lubricants, and coolants used within the vehicle;

wherein the storage canister comprises at least one access port (as shown in Fig. 1 wherein lines 4, 5, and 15 are connected) in fluid communication between an interior of the container and an exterior of the container, and an integral seal and quick release hose attachment 14, 16 affixed to the port, and a spill proof check valve 39;

wherein the storage canister is provided with wheel means (see Fig. 1) to enable ease of positioning and movement of the container;

wherein the storage canister further comprises means for determining fluid level (as shown in Fig. 2, wherein markings are provided to show the level of fluids in reservoir 21 and 23);

wherein the method for using the apparatus for rapid removal of fluids from a vehicle is comprised of placing of the apparatus within a proximal distance of the vehicle, connecting of the fill flexible hose to the inlet port of the container, and connection of the power cord to an active electrical outlet (since a microprocessor is used and the pump is electrically operated); and

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wherein the fluid storage canister of a light weight modular construction that enables ease of movement of the apparatus for storage and transport for disposable of the spent lubricants and oils.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Zager, U.S. Patent 6,328,132 B1.

Zager shows, in Figs. 1 and 2, an apparatus for rapid removal of fluids contained within reservoirs in automotive or similar transportation vehicle comprising;

flexible hose 24 having a proximal end opposite a distal end;

means of attachment 14 of the distal end of the hose to the vehicle's access point to the fluid reservoirs within the vehicle;

flexible hose 36, 29 with flow directional valve 31 at proximal end with coupling 29' suitable for attachment to the fill port of the storage canister 39;

the storage canister suitable to hold fluids of various viscosities and corrosive characteristics such as oils, lubricants, and coolants used within the vehicle.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 2, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. in view of Prestwood, U.S. Patent 5,242,032.

Dixon et al. shows, as discussed above in the rejection of claim 1, the apparatus for rapid removal of fluids contained within reservoir in automobile comprising the storage canister which can have a volume usable for storage of more than one vehicle oil change and further comprising a fluid pump 62 powered by electric motor and a power cord 30, but fails to show the power cord being retractable and particularly incorporating a constant force spring spool.

Prestwood et al. discloses, in claim 12, an apparatus and method for rapid removal of fluids contained within a reservoir comprising a pump and a power cord for supplying power to the pump, wherein the power cord is retractable.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the power cord of Dixon et al. with the retractable power cord as taught by Prestwood et al. in order to provide a safer environment where accidental trip can be prevented.

As to the matter of incorporating a constant force spring spool to extract and retract power cord, Examiner takes Official Notice the fact that such spring spool is common knowledge in the lubrication service art for use in the retracting and extracting of cables or hose. Providing the spring spool in the electrical cable retraction and extraction device would have been an obvious practice for a person of ordinary skill in the art.

8. Claims 2 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erwin in view of Prestwood, U.S. Patent 5,242,032.

Erwin shows, as discussed above in the rejection of claim 1, the apparatus for rapid removal of fluids contained within reservoir in automobile comprising the storage canister which can have a volume usable for storage of more than one vehicle oil change and further comprising a fluid pump 12 powered by electric motor and a power cord 52, wherein the fluid pump is a positive displacement pump with reversible electric motor thus enabling pressure filling and pressure discharging of the fluids within the container (as disclosed in column 3, lines 27-60), but fails to show the power cord being retractable and particularly incorporating a constant force spring spool.

Prestwood et al. discloses, in claim 12, an apparatus and method for rapid removal of fluids contained within a reservoir comprising a pump and a power cord for supplying power to the pump, wherein the power cord is retractable.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the power cord of Dixon et al. with the retractable power cord as taught by Prestwood et al. in order to provide a safer environment where accidental trip can be prevented.

As to the matter of incorporating a constant force spring spool to extract and retract power cord and the positive displacement pump being vane type, Examiner takes Official Notice the fact that such spring spool and the positive displacement vane pump is common knowledge in the lubrication service art for use in the retracting and extracting of cables or hose and for use in the transfer of lubricant from one point to another, respectively. Providing the spring spool in the electrical cable retraction and extraction device and providing the vane pump would have been an obvious practice for a person of ordinary skill in the art.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. in view of Holmes, U.S. Patent 4,689,144.

Dixon et al. shows, as discussed above in the rejection of claim 1, the apparatus for rapid removal of fluids contained within reservoir in automobile comprising the container, but fails to show a filter having screen and magnetic separator.

Holmes shows, in Figs. 1-3, a filter unit comprising a screw filter 42 and magnetic separator 80 to capture metallic debris and solid contaminants.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the apparatus of Dixon et al. by providing the filter unit as taught by Holmes in the container in order to provide a cleaning device that is efficient enough to reuse the lubricant so that cost of maintaining can be reduced.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Viken in view of Reedy, U.S. Patent 3,954,611.

Viken shows, as discussed above in the rejection of claim 1, the apparatus comprising the storage canister but fails to show a screen filter and a magnetic separator.

Reedy shows, in Figs. 6 and 7, an apparatus for rapid removal of fluids contained within reservoirs in automotive comprising a screen filter 112 and a magnetic separator 110 wherein the filter and the separator capture metallic debris and solid contaminants.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the apparatus of Viken by providing the filter unit as taught by

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Reedy in the container in order to provide a cleaning device that is efficient enough to reuse the lubricant so that cost of maintaining can be reduced.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. in view of Stich et al., U.S. Patent 6,027,128.

Dixon et al. shows, as discussed above in the rejection of claim 1, the apparatus for rapid removal of fluids contained within reservoir in automobile comprising the positioning wheels that facilitate steering through 360 degrees of directional change, but fails to show the wheel being a captured ball.

Stich et al. shows, in Figs. 4 and 5, an apparatus for transporting comprising positioning wheels 20A-20E including a captured ball 22A-22E that facilitate steering through 360 degrees of directional change.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wheel of Dixon et al. with the ball type wheel as taught by Stich et al. in order to provide a more stable rolling along a rough surface so that manual transportation is easier.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Viken in view of Stich et al., U.S. Patent 6,027,128.

Viken shows, as discussed above in the rejection of claim 1, the apparatus for rapid removal of fluids contained within reservoir in automobile comprising the positioning wheels

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that facilitate steering through 360 degrees of directional change, but fails to show the wheel being a captured ball.

Stich et al. shows, in Figs. 4 and 5, an apparatus for transporting comprising positioning wheels 20A-20E including a captured ball 22A-22E that facilitate steering through 360 degrees of directional change.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wheel of Viken with the ball type wheel as taught by Stich et al. in order to provide a more stable rolling along a rough surface so that manual transportation is easier.

13. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zager.

Zager shows, as discussed above in the rejection of claim 1, the apparatus for rapid removal of fluids contained within reservoir in automobile comprising the container having inlet and outlet ports (37, 38) with quick release hose attachment 29' (which inherently shows seal since it is a fluidic quick release) but fails to show the ports with a spill proof check valve or o-ring and a reed/slit valve.

It would have been obvious to apply the spill proof check valve and a reed/slit valve on the inlet outlet ports of Zager, since such a modification would have involved a mere application of a known material (or technology) on the ports. A selection of known material based on its suitability for the intended use is generally recognized as being within the level of ordinary skill in the art. *In re Leshin*, 125 USPQ 416. Furthermore, the Examiner takes Official Notice of the

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fact that a spill proof check valve and a reed/slit valve type are well known device utilized in the art of fluid handling and such usage would have been within the level of ordinary skill in the art.

14. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Viken.

Viken show, as discussed above in the rejection of claims 1 and 4, the apparatus comprising the quick release having a seal (since it is inherent that any quick release for fluidic connection have a seal) and the spill proof check valve, but fails to show a reed/slit valve type.

It would have been obvious to apply a reed/slit valve on the inlet outlet ports of Viken, since such a modification would have involved a mere application of a known material (or technology) on the ports. A selection of known material based on its suitability for the intended use is generally recognized as being within the level of ordinary skill in the art. *In re Leshin*, 125 USPQ 416. Furthermore, the Examiner takes Official Notice of the fact that a reed/slit valve type are well known device utilized in the art of fluid handling and such usage would have been within the level of ordinary skill in the art.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mobile lubrication apparatus having retractable mechanism.

Cable et al., U.S. Patent 3,810,487

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16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chong H. Kim whose telephone number is (703) 305-0922. The examiner can normally be reached on Tuesday - Friday; 8:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

chk
January 23, 2004


CHONG H. KIM
PRIMARY EXAMINER